

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-2948 of 2019.

Decided on:- April 30, 2019.

Rajesh Sharma and another

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kunal Dawar, Advocate
for the petitioners.

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. Rohit Rana, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.44 dated 18.01.2015 under Sections 498-A, 406 and 506 IPC registered at Police Station Camp Palwal, District Palwal (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise effected between the parties by way of settlement agreement dated 16.07.2018 (Annexure P-2) before the Mediation and Conciliation Centre, Faridabad.

This Court vide order dated January 23, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant and respondent No.3 have appeared before learned Additional Chief Judicial Magistrate, Faridabad and got their statements recorded on 05.02.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.02.2019 to the effect that the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion or force and is a valid compromise.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Babita. She has made a statement before learned Magistrate in support of the compromise. Her statement so recorded by learned Magistrate on 05.02.2019 reads as under:

“Stated that I have got registered the aforesaid FIR against Rajesh Sharma and Anil Sharma, and the said matter has been compromised between me and the accused- Rajesh Sharma and Anil Sharma amicably as per compromise dated 16.7.2018. Said compromise is placed on the case file as Ex.C1, which bears the signature of me and that of the aforesaid accused. The accused undertakes to keep me and my child and did not give beating or any kind of harassment for any reason. The compromise has been entered into voluntarily and without any pressure or undue influence. In view of the compromise, the aforesaid FIR may kindly be quashed and I have no objection in the same.”

Similar statement was also made before learned Magistrate by respondent No.3 Savita @ Sunita, who is sister of respondent No.2 and wife of petitioner No.2.

Learned State counsel and learned counsel for respondents No.2 and 3 have also not disputed the factum of compromise effected between the parties.

Both the petitioners are real brothers, whereas respondents No.2 and 3 are real sisters. Respondent No.2-complainant is the wife of petitioner No.1, whereas respondent No.3 is the wife of petitioner No.2. In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others 2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as the law laid down in ***Gold Quest International Private Limited's case (supra)***, the present petition is allowed and the FIR No.44 dated 18.01.2015 under Sections 498-A, 406 and 506 IPC registered at Police Station Camp Palwal, District Palwal (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise effected between the parties by way of settlement

agreement dated 16.07.2018 (Annexure P-2) before the Mediation and Conciliation Centre, Faridabad.

April 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No